In Search of a Justice that Satisfies: The Evolving Field of Restorative Justice

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“BEYOND THERE, BE DRAGONS”

In Our Quest to Define & Administer Justice...
A Restorative Third Way?

In tandem between impunity & retribution:

REVENGE  APATHY
(Aggression)  (Suppression)
Reframing the Justice Debate:

Recognize Injustice
• Justice is realized in a human, relational context; not only in a legal, court process.

Restore Equity
• Justice is attained through action (behavior change); not only through legal theory and codes of law

Righting the Wrong
• Justice is satisfied through restitution and rehabilitation; not only through isolation and incapacitation.
What is Restorative Justice?

3 Pillars:
1. Acknowledgement of wrong-doing
2. Restoring power, dignity and equality
3. Addressing future intentions

New Questions:
- What harms have occurred?
- What needs have resulted from these harms?
- Who is responsible / obligated to repair these harms/needs?
Restorative Justice model:

- Compensation
- Healing
- Restitution
- Rehabilitation

- Fairness
- Law & Order
- Peace & Safety
- Satisfaction

- Community
- State
- Victim
- Offender
RJ Practices:

- Victim-Offender Mediation
- Family Group Conferences
- Restorative Conferencing / Circles
- Community Restorative Boards / Panels
- School / University Campus Models
- Circles of Support and Accountability
- Transitional and Indigenous Justice Processes
RJ = A Contested Terrain

- Origins = Practice-oriented Field – concerned with practical skills and measuring impact
- Question of Standardization = Guided by Practice values or practice skills?
- Ultimately, is RJ a social movement or a social service?
- Ross London – problematizes the language of paradigm shift (Zehr)
Future Trends in RJ: Intergenerational Justice

- Current CJ system obsessed with the past and the present - RJ casts a vision for the future:
- It is my contention that RJ provides an ethical and moral framework for justice that not only effectively interrupts a life of criminal misbehavior in the present, but it lays an ethical-moral foundation for justice that can be transmitted to the next generation through structural / institutional re-alignments and rituals/symbols of mimesis that satisfy justice needs in the future.
Remembering without revenge (RJ & Trauma):

- Disconnectedness & disempowerment – both about meaning-making (Herman)
- **Disconnectedness** – Neuro-Science and Attachment Theory (Seigel)
- **Disempowerment** - Safety, Normalization, Coping and Support (Bartsch)
RJ & Nonviolent Social Change:

- RJ provides a nonviolent justice alternative to dominate CJ system predicated on violence
- Violence prevention
- Changing the rules of the game:
  RJ is subversive – it disarms structures of hierarchy, rank and prejudice by modeling relationships of equality, full participation and consensus decision-making processes.
RJ as Community-Building (social capital):

- RJ = **collective impact** on the whole community
- **Bonding, bridging and linking** capital - (Fora & Fora)
- Enhanced **communication**
- Capacitated with conflict management & resolution **skills**
- Nurtures **participatory** community development
- Encourages **self-governance / regulation**
RJ: Transitional & Indigenous Approaches

- **RJ critique of Transitional Justice** – scaled up, globalized system of current punitive, procedural justice system – call for hybrid, contextually-appropriate models

- **Learning from Indigenous justice:**
  1.) Gacaca Courts (Rwanda) = government interference
  2.) Fambul Tok (Sierra Leone) = finding a bridging language of justice